

REMARKS

In the application claims 45-55 remain pending while claims 1-44 have been canceled without prejudice. Claims 45-55 (where independent claims 45 and 53 generally correspond to previously pending claims 14 and 38, respectively) have been added to better clarify what is regarded as the invention. Support for the amendments is found in the specification and figures as originally filed. No new matter has been added.

It is believed that newly added claims 45-55 cure the informalities noted in the outstanding rejection under 35 U.S.C. § 112. It is therefore respectfully requested that this rejection be withdrawn.

The pending claims currently stand rejected under 35 U.S.C. § 103 as being rendered obvious primarily by Duncan (U.S. Patent No. 6,549,133) in view of Duarte (U.S. Patent No. 6,608,271). The reconsideration of these rejections is respectfully requested.

It is respectfully submitted that the invention set forth in independent claim 45 sets forth a method that functions to provide each of plural groups of keys of a controlling device with a different color representative of a different intended target device wherein each key within a group of keys that is provided with the same color is usable to control a different functional operation of the same intended target device.

Considering now Duncan, it is respectfully submitted that Duncan discloses a system wherein different colors are provided to keys to indicate either, when a key is activated, the same functional operation will be commanded on different intended target collars (e.g., each of the differently colored pushbutton switches 4 and 5, if activated, transmits the same stimulus command to a different collar-mounted receiver unit - Col. 5, lines 35-45) or, when a key is activated, a different functional operation will be commanded on the same intended target collar (e.g., each of the differently colored pushbutton switches 4 and 5, if activated, transmits a different stimulus command to the same collar-mounted receiver unit - Col. 5,

lines 12-32). Thus, because Duncan discloses a system wherein a key is provided with a different color to indicate either a different intended target device for the same functional operation to be controlled or a different functional operation to be controlled on the same intended target device, it will be appreciated that Duncan fails to disclose, teach, or suggest (and in fact teaches against) a system that provides a group of keys of a controlling device with one of a plurality of different colors to thereby indicate a one of a plurality of different intended target appliances for different functional operations to be controlled on the same one of the plurality of different intended target appliance in the manner that is recited in claim 45.

In summary, because Duncan cannot be said to disclose, teach or suggest the core of the invention that is recited in independent claim 45, and because Duarte, which only generally discloses illuminating keys of a device, also fails to disclose, teach, or suggest providing each of plural groups of keys a color representative of an intended target device wherein each key within a group of keys that is provided with the same color is usable to control a different functional operation of the same intended target device, it is respectfully submitted that the combination of Duncan and Duarte cannot support a *prima facie* case of obviousness with respect to independent claim 45. For at least this reason it is respectfully submitted that independent claim 45 is allowable over Duncan and Duarte, whether considered alone or in combination.

With respect to claim 53, it is respectfully submitted that neither Duncan nor Duarte have any disclosure related to the claimed aspect (generally described on page 15, lines 21+ of the subject application) of presenting cues on a television that are associated with a plurality of appliances while setting up a *recipient appliance* to receive input from one of a plurality of appliances and providing data obtained during the recipient appliance setup to a controlling device to thereby configure corresponding cues on the controlling device. As such, it is respectfully submitted that claims 53+ are also allowable over the art of record.

CONCLUSION

It is respectfully submitted that the application is in good and proper form for allowance. Such action on the part of the Examiner is respectfully requested.

Should it be determined, however, that a telephone conference would expedite the prosecution of the subject application, the Examiner is respectfully urged to contact the attorney undersigned.

Respectfully Submitted; *



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